

One Hundred Fifth Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,  
the seventh day of January, one thousand nine hundred and ninety-seven*

An Act

To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OFFERING  
NURSE AIDE TRAINING AND COMPETENCY EVALUATION  
PROGRAMS IN CERTAIN FACILITIES.**

Section 1819(f)(2) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)) and section 1919(f)(2) of such Act (42 U.S.C. 1396r(f)(2)) are each amended—

(1) in subparagraph (B)(iii), by inserting “subject to subparagraph (C),” after “(iii)”; and

(2) by adding at the end the following new subparagraph:

“(C) WAIVER AUTHORIZED.—Clause (iii)(I) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility (or skilled nursing facility for purposes of title XVIII) in a State if the State—

“(i) determines that there is no other such program offered within a reasonable distance of the facility,

“(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility, and

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“(iii) provides notice of such determination and assurances to the State long-term care ombudsman.”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*